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SUBJECT: ITALY FISHERIES ENFORCEMENT UPDATE: ENFORCEMENT DATA

REF: A) 12/24/09 SIGNORETTI-CIMO E-MAIL B) 08 ROME 1387

¶1. (SBU) Summary. Italian fisheries authorities have provided data on Port Captaincy-Coast Guard enforcement activities in 2008 and 2009, for USG consideration in the context of the U.S. Moratorium Protection Act. Although the 2009 data covers only the year to October, it shows an increase in inspections in ports and in illegal/non-licensed gear seized. It also shows a significant increase in fish seized (including a sharp increase in seizures of full-size bluefin tuna) and in illegal fisheries-related facilities seized. While driftnet-targeted inspections increased 2005-2009, driftnets seized and driftnet-related sanctions imposed declined. The Government of Italy (GOI) attributes this to the effectiveness of their enforcement efforts. End summary.

Driftnets: Change in Law Aids Enforcement

¶2. (SBU) On 22 December, Post received from Anna Maria de Santis, Chief of Staff to Under Secretary Buonfiglio, information on 2008-2009 fisheries enforcement. With the data came a cover memo from the European and International Policies Department, Marine Fisheries and Aquaculture Directorate General, Ministry of Agricultural, Food and Forest Policies, dated 17 December 2009. The memo is titled: "Enforcement Activity Carried Out Against Vessels Using "Spadare" Driftnets." Among other points, it highlights the June 2008 changes to Italian law, which increased existing penalties and added new penalties for actions such as possession on board of fishing gear which is illegal or for which the vessel does not have a permit. The prior absence of this legislation was a key point in a recent case in which an EU court decided against Italy (see septel outlining recent changes in Italian fisheries policies). Comment: the change in law likely facilitated the increase in inspections at the unloading point, and in illegal/non-licensed gear seized. End comment.

Anti-Driftnet and Bluefin Tuna Enforcement Efforts

¶3. (SBU) The memo holds that the decline in sanctions imposed for driftnet violations, at the same time that the number of driftnet-related inspections increased significantly, reflects the success of Italian enforcement efforts in limiting illegal driftnet activity. This combination of trends is illustrated by the graph transmitted to OES/OMC and the U.S. National Marine Fisheries Service in ref A. Regarding bluefin tuna, Italian Coast Guard Admiral Tiberio Piattelli stressed to SCI staff on December 22 that Italy played an active role in the 2009 EU bluefin tuna enforcement

campaign. He noted that, as in 2008 (ref B), the Coast Guard obtained a special advisory notice ("NOTAM") forbidding low-level flights in the key areas in the Tyrrhenian Sea during intense periods of bluefin-tuna-fishing aerial surveillance. Italy's participation in the EU bluefin tuna campaign included the following missions: 193 in ports; 88 at sea; 32 using airplanes; and 18 to tuna-ranching pens, at a total cost of 868,922 Euros.

14. (SBU) The text of the memo is as follows (informal translation):

The following information describes monitoring and enforcement activity carried out against vessels using driftnets in 2009.

The Fishery Area Control Centers (C.C.A.P.) created with Circular Letter n.82/35668/II on May 30, 2000 by the General Command of the Port Captaincies-Coast Guard, have carried out a careful and incisive monitoring and enforcement activity, aimed at preventing and/or suppressing possible behavior not compliant with the regulations of the sector.

The intensive and incisive activity carried out (including with the aid of airplanes) to prevent illegal fishing activity, together with the results achieved in a subject area which is in continuing evolution, demonstrate the solid preparation and the high level of knowledge of both national and European fishing regulations on the part of the enforcement authorities, and the strong interest in a careful monitoring of the coasts and of fisheries in general.

In particular, following precise orders by the National Fisheries Control Center (CCNP), enforcement activity has been increased; the above-mentioned activity has consisted of intense operations which

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yielded the seizure of 244,700 meters of "spadare" driftnets during the 2009 season. As is shown in the graph included in Annex 1 of this report, the above-mentioned [inspection] activity against illegal fishing with driftnets has increased over the last five years in an "exponential" way, with a reduction in the number of sanctions imposed demonstrating the efficacy of the enforcement system, which has yielded a containment of the phenomenon.

In this regard, Decree Law n.59, which was issued on April 8, 2008 and converted into Law n.101 on June 6, 2008, is particularly important, since it introduced modifications in the fisheries sanction system. The above-mentioned law, aside from doubling the administrative penalties for fishing in prohibited areas or with equipment that is not permitted, introduced in the juridical system penalties for:

- 1) detention of equipment that is not permitted;
 - 2) violations of Vessel Monitoring System (VMS) regulations; and
 - 3) violations of regulations related to the protection of certain fish stocks.
- 4) It also introduced supplementary penalties.

These changes are also favorably reported in the October 29, 2009 ruling of the Court of Justice of the European Community, related to an infraction case against Italy for the "Absence of an efficient enforcement system for the driftnet ban" and, therefore, we believe that at this time the situation of the Government of Italy is in line with the European regulations currently in force regarding enforcement activity.

The monitoring and enforcement activity has been implemented through special-purpose action plans prepared by the Port Captaincies General Command-Coast Guard, and aimed at combating this phenomenon.

During the 2009 season, intense enforcement activity aimed at ensuring compliance with bluefin tuna fishing regulations also has been carried out.

In Annex 2 we have included a summary of all the fisheries enforcement activities carried out by the Port Captaincies - Coast Guard.

End memo text.

15. Below is the data provided by the GOI. Note that the data are solely for the Italian Port Captaincy-Coast Guard; they do not reflect enforcement actions by the Finance Police, Carabinieri, or other entities.

Italian Coast Guard Fisheries Enforcement Operations
2008-2009 (2009 data is from January 1 - October 30)

	2008	2009 (to 10/09)
NUMBER OF INSPECTIONS CARRIED OUT		
At sea	38,479	24,134
At sea in marine protected areas	5,913	4,910
At the unloading point	48,177	56,060
In fish markets and processing facilities	11,817	7,575
In retail sales (including mobile vendors)	23,124	16,713
In restaurants and similar	11,493	9,905
On the roads	5,128	4,222
In airports	57	12
Other	12,656	8,724
Total	156,844	132,255

VIOLATIONS CITED FOR CATCHING UNDERSIZE SPECIMENS		
Total	321	354

FISH LABELING AND TRACEABILITY VIOLATIONS CITED

Labeling	1,460	1,004
Traceability	812	725

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Total	2,272	1,729
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COMMERCIAL FRAUD VIOLATIONS CITED		
Total	287	312

HEALTH CODE VIOLATIONS CITED		
Total	676	980

FISH SEIZED (IN KG.)

Date mussel	246	251
Swordfish (full-size)	8,311	7,571
Swordfish (undersize)	1359	337
Bluefin tuna (full-size)	7,865	95,847
Bluefin tuna (undersize)	4,368	2,267
Product unsafe for consumption	221,594	341,859
Product stemming from commercial fraud	12,412	32,285
Product of sport fishing (full-size)	16,818	8,262
Product of sport fishing (undersize)	261	113
Other products (full-size)	46,679	45,630
Other products (undersize)	8,005	23,027
Total fish products seized	327,918	557,449

ILLEGAL FISH STORAGE, SALE OR PROCESSING FACILITIES SEIZED		
Total	6	25

DISPOSITION OF SEIZED FISH (IN KG.)

Given to charity	15,852	25,465
Destroyed	94,233	228,563
Thrown back in the sea or other	217,833	303,421
Total	327,918	557,449

FISHING EQUIPMENT SEIZED

Number of illegal driftnets	64	58
Meters of illegal driftnets	371,000	244,700
Equipment not permitted for commercial fishing	878	971
Equipment not permitted for sport fishing	1,283	1,131
Other equipment	2,454	1,430
Total	4,679	3,590

VALUE OF SANCTIONS IMPOSED

Total (in Euros)	5,545,895	4,651,748
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CURRENT RETAIL VALUE OF SEIZED FISH AND FISH PRODUCTS

(for bluefin tuna, wholesale price in foreign markets)

Total (in Euros)	1,904,154	2,500,000
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